REMARKS

Reconsideration of the application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 1 to 3 and 6 to 12, all other claims having been cancelled.

All the claims have been rejected under 35 U.S.C. 102 as being anticipated by the WO '101, XP '554, Shimizu and Takashima et al. references for reasons of record. The Examiner is of the opinion that the references disclose the reaction product of a bisphenol residue from the production of bisphenols with an aldehyde in an acidic medium.

Applicant respectfully traverses these grounds of rejection since none of the references cited by the Examiner teach the use of Applicant's products in the refractory field. The claims are in the Jepson form and incorporate the use of Applicant's products in the refractory field which ingredients are well known to those skilled in the art and which ingredients are well known to those skilled in the art and which are exemplified in the brochure submitted with the last response. The present amendment combines claim 5 with claims 1 and 6 to 8, which results in a preferred product having a higher carbon yield which results in refractory products having a higher carbon yield and a higher oxidation resistance than known refractory products as taught on page 4.

None of the prior art deal with the refractory field to which the claims are directed and Applicant incorporates herewith the remarks on pages 5 and 6 of the last response so as not to unduly burden the record. The WO'101 Borden reference discloses a bisphenolic stillbottom in combination with a solvent wherein the bisphenolic composition is a single phase. Borden uses the product for impregnating paper e.g. for laminating of kitchen countertops or decorative laminates. Borden's composition may be used where lower emissions and/or plasticity are sought (pages 26-27). Borden's application is completely different from Applicant's, namely to provide binders for the refractory industry. Borden does not produce a fire-resistant material. They produce special decorative laminates. The application area of Borden's product is at lower temperature (in the kitchen: 20°C to 200°C (during cooking) as our application area (1500°C to 1700°C).

The Takashima and Shimizu patents and JP '554 all relate not to the refractory field but to the use of a binder in the foundry industry. The sand is coated with the binder and they are building a shaped form. This form is destroyed when the hot steal contacts the form. The result is a new form made of steal. The function of the binder in the foundry industry is different from the binder in the refractory industry. The whole structure of binder/sand does not build a solid shape at high temperature – to the contrary, it is an intention that the structure is destroyed. Binders in the foundry do not have a high oxidation resistance and after the carbonization a high carbon yield normally. Therefore it was not obvious to use a binder produced by reacting a bisphenol residue with an aldehyde in an acid medium in the refractory industry. Therefore, the references do not

anticipate or render obvious Applicant's invention and withdrawal of these grounds of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims point out Applicant's invention. Therefore, favorable reconsideration of the application is requested.

Respectfully submitted,
Hedman and Costigan

Charles A. Muserlian #19,683
Attorney for Applicants
Tel. (212) 302 8989

CAM:mlp
Enclosures

"EXPRESS MAIL" Mailing Label Number: ED 898657691US

Date of Deposit: November 2, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Marie-Louise Pinset